

1/4/2021

To: County Commissioners

From: George Weinbaum and Olga Denisova

Re: Baker 80 Subdivision



We are homeowners on N Prairie View Road and "STRONGLY OPPOSE" the above project utilizing our pristine rural road for the construction vehicles and thereby homeowner traffic by 16 new households for the following reasons:

1. Black Pawed ferrets have been identified in the proposed area and present as an endangered species who would be destroyed by the construction.
2. The current road supports the homeowners that reside on N Prairie View Road as well as service vehicles and recreational visitors who consistently utilize the adjacent public land. Accordingly, the proposed increase in traffic of as low as estimated rate of 160 vehicles per day would be dangerous to our families.
3. Our property values will be diminished, and the serenity of our Montana lifestyle destroyed forever.
4. All of the previous negative responses given by inhabitants of Whitefish Village Drive is hereby incorporated by reference. Those homeowners have stated why their road should not provide access and its negative consequences. Why should this project now destroy our homesites due to being rejected by Whitefish Village? Certainly the residents of N Prairie View should not be treated as second class citizens.

This was a poorly contrived development and should not be approved. It will destroy our area and only enrich those few developers who are only concerned with their financial self-interest.

Sincerely,

George Weinbaum and Olga Denisova

Cc: Erin Appert

Erin Appert

From: Mark Mussman
Sent: Tuesday, January 5, 2021 4:46 PM
To: Erin Appert
Subject: FW: Baker 80 / wfhv roads

Mark Mussman, CFM

Director
Flathead County Planning & Zoning
40 11th Street West
Kalispell, MT 59901-5607
Phone: 406.751.8200
Fax: 406.751.8210

From: Tom Sands <tom@sandssurveying.com>
Sent: Tuesday, January 5, 2021 3:50 PM
To: Mark Mussman <mmussman@flathead.mt.gov>
Subject: FW: Baker 80 / wfhv roads

Mark:

There's been a lot of talk about the Baker 80 subdivision, as you know, and it's not all bad or sometimes not all good either. I want it clear that I have no opinion on whether I favor this subdivision or not. I've worked in the development community too long to commit to anything like that. I also do not represent the developer or any of the HOA's with this opinion. It is simply just that: My personal opinion and thoughts.

If it's possible, I'd like to get this to the planning staff, the planning board, and the county commissioners. Please consider this as facts as I know them and suggestions considering everything and also just using a little common sense:

If in fact the Baker 80 subdivision is approved by the County Commissioners, and the Baker 80 subdivision is allowed to use Whitefish Village Drive (through phase 5)/ Brady Way / Stelle Lane roads as primary access, then it makes sense that Baker 80 needs to be required to enter into a maintenance agreement on all three roads and also be required to pay into an existing reserve fund for the future upkeep and capital expenses of maintaining said paved roads. Considering the tremendous costs that the developer of the Whitefish Hills subdivisions went through to build and pave the three roads over the years, it would also seem reasonable to require some kind of re-imbursement for those costs also. I don't know if the county has this authority on private roads, but Brady Way is a county road, but not maintained by the county. Stelle Lane is a private road open to the public by a recorded agreement with the county.

I have met with County Commissioners several times over the years and suggested that the county take over these roads because of the increased traffic, and because of the fact that Brady Way is a county road, but to date, have not been successful. In addition to the 288 landowners in Whitefish Hills, Whitefish Hills Forest, and Whitefish Hills Village, there are also about 40 landowners outside the subdivisions not including the Baker 80 tract that use Brady Way, Stelle Lane and Big Ravine Drive for primary access. (Big Ravine is also a county road, not maintained by the county). Currently the maintenance of all 4 of these roads is being paid by an agreement between the three HOA's of WFH, WFHF, and WFHV,

and they have been historically paying for the entire cost of the maintenance of the roads. (None of the other landowners are currently a part of the road maintenance agreement)

Considering the excessive traffic on the road system as it exists, and with the possibility of more traffic from the Baker 80 subdivision, maybe it's time now for the commissioners to reo-visit their position on taking over these roads for maintenance. Especially considering the road tax revenue the county receives from the 330 owners that use the roads with nothing from the county in return.

Thanks for your time.

Tom Sands
PLS (retired)

Erin Appert

From: Elaine Nelson
Sent: Wednesday, January 6, 2021 1:49 PM
To: Erin Appert; Randy Brodehl; Pamela Holmquist
Cc: Mary Fisher
Subject: FW: Contact Message

From: website@flathead.mt.gov <website@flathead.mt.gov>
Sent: Wednesday, January 6, 2021 1:34 PM
To: CO Contact Us <cocontactus@flathead.mt.gov>
Subject: Contact Message

Contact Inquiry

The information below is being sent from your website.

Name:	James Rogers
Email:	jimrogers2007@gmail.com
Subject:	Road being built into Baker 80
Message:	Dear Commissioners, Apparently Scott Baker obtained an "approach" permit from the road department to begin building a road into the Baker 80 development from the access on Whitefish Village Drive. The Flathead Planning Board is scheduled to talk about this next Wednesday. It seems like Mr. Baker doesn't care whether he can legally do this or not. Please stop this until the Planning Board and then you, the commissioners rule on this controversial issue. Thank you for your consideration, jim

Erin Appert

From: Mary Fisher
Sent: Wednesday, January 6, 2021 4:50 PM
To: Erin Appert
Subject: FW: Baker 80

From: Matthew Gleason <mateogleason@gmail.com>
Sent: Wednesday, January 6, 2021 4:50 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80

I'm writing to voice my comments and concerns about the Baker 80 subdivisions use of Whitefish Village Drive. We purchased a lot in Whitefish Hills Village this past fall simply because we loved the semi-private property and how our private HOA manages our private open spaces, our private trails, our private ponds, plows our roads, etc.

Opening up our private community to allow for Baker 80 to potentially use our private roads and access is really ridiculous. No one in our community wants to grant Baker 80 any access or use of our private roads through our private community - so this should be null and void. The fact that this keeps coming up for discussion is a complete waste of everyone's time.

Do not allow Baker 80 to steamroll the planning board by throwing around legal threats for access rights or use. Please end this discussion once and for all by denying their request.

Matthew Gleason
1879 Whitefish Village Dr.

Erin Appert

From: Mary Fisher
Sent: Monday, January 11, 2021 7:40 AM
To: Erin Appert
Subject: FW: Baker 80

-----Original Message-----

From: Amy Hooks <ahooks081@gmail.com>
Sent: Sunday, January 10, 2021 5:48 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80

Hi Erin,

I would like you to pass on my comments the the Planning Board before the Jan 13th Public Hearing.

On Jan 5th, 2021 Scott Baker began building a road off of Whitefish Village Drive onto the proposed lots of Baker 80. When he was questioned by some homeowners of Whitfish Hills Village as to whether it is legal, he threatened many of us with law suits. This not only demonstrates his failure to act in good faith but by building a road before final approval of the proposed subdivision shows his disregard for the value and quality of our properties, a disregard for the proper public process and a disregard for Standards in Construction. This is of great concerns to us as residents living so close the Baker 80 property.

In addtion, on January 8th. 2021 the homeowners of Whitefish Hills Village were presented a draft Road Users Agreement between members of the Board of Whitefish Hills Village and GBSB Holdings and given 2 business days to approve or disapprove of the agreement. This absultely blindsided us since the Baker 80 proposed sub division hasn't made it past public hearing, and none of us were aware this agreement was even being drafted. In addition, Finding of Fact #2 c. from the planning staff report was updated stating "Whitefish Village Drive is not available to provide access to the proposed lots of Baker 80". Now we have a road, that is not to county standards, coming off of our private road and we have businesess hired by Scott Baker parking on our road, (that is in violation of our CCR's). We have no way to prevent these violations as he is not a owner in Whitefish Hills Village. We live here, our homes are here. Why is the quallity and value of our properties being so easily deminished by one developer?

Thank you for your time.
Amy Hooks

Erin Appert

From: Mary Fisher
Sent: Monday, January 11, 2021 7:41 AM
To: Erin Appert
Subject: FW: Baker 80

-----Original Message-----

From: johnfmartin14@gmail.com <johnfmartin14@gmail.com>
Sent: Sunday, January 10, 2021 10:02 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80

We oppose the proposed baker 80 project and their use of Whitefish hills village roads. Homeowners oppose.

John Martin
160 MeadowView CT
Whitefish MT 59937

Sent from my iPhone

Erin Appert

From: Mary Fisher
Sent: Monday, January 11, 2021 9:26 AM
To: Erin Appert
Subject: FW: Baker 80 access from/to Whitefish Village Drive

From: Alan Crump <eastbearcreek@hotmail.com>
Sent: Monday, January 11, 2021 9:24 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 access from/to Whitefish Village Drive

As you know Scott Baker wishes to access Whitefish Village Drive (a private road) for his new development (Baker 80). This 80 acres development is not land-locked. There is access via Prairie View Road to KM Ranch Road.

Montana easement law provides easements for necessity.

Easement By Necessity – An easement by necessity will be found upon a showing of unity of ownership and strict necessity.

- Unity of Ownership – Unity of ownership exists where a parcel of land is owned by one person, who at some point, sells off a portion of that land that has no outlet to a public road.
- **Strict Necessity** – Montana courts define “strict necessity” as a lack of practical access to a public road for purposes of ingress and egress. Strict necessity must exist both at the time unity of title is severed by conveyance and at the time of exercise of the easement.

The purpose for Mr Baker to access Whitefish Village Drive and not Prairie View Road appears to be for financial reasons. Nowhere in Montana code does it give this reason as a purpose to approve an easement. Allowing Mr. Baker to build his road connecting to Whitefish Village Drive does harm to many families residing there and does nothing to improve the well being of the citizens of Flathead County (for the good of all). It can be quite challenging to support the thesis that this easement is of great benefit to the county, but easily proven that it is harmful to the Whitefish Village HOA.

Alan and Becky Crump
1131 Whitefish Village Drive
Whitefish, MT 59937

Erin Appert

From: Mary Fisher
Sent: Monday, January 11, 2021 1:25 PM
To: Erin Appert
Subject: FW: Subject : Baker 80 - Important For January 13th Meeting

From: Cindy Jordan <cynthia.jordan@mchsi.com>
Sent: Monday, January 11, 2021 1:24 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Fwd: Subject : Baker 80 - Important For January 13th Meeting

Please see what we have already submitted on this topic in a prior email. We again say NO to allowing the Baker 80 Project to use Whitefish Village Drive.

Bill & Cindy Jordan
1749 Whitefish Village Drive, Lot 50

Sent from my iPhone

Begin forwarded message:

From: MCHSI <cynthia.jordan@mchsi.com>
Date: December 6, 2020 at 11:45:41 AM CST
To: "planning.zoning@flathead.mt.gov" <planning.zoning@flathead.mt.gov>
Cc: Cindy Jordan <cynthia.jordan@mchsi.com>
Subject: Subject : Baker 80 - Important For December 9 Meeting, Agenda Item FPP-20-09

Planning and Zoning Decisionmakers:

We are owners in Whitefish Hills Village, with property located directly on Whitefish Village Drive. It has come to our attention that you are meeting again on Baker 80 on December 9th. We, unfortunately, cannot attend in person. But, we wish to share our thoughts and concerns.

It is our understanding that Baker 80 was reviewed and approved to access that subdivision from Prairie View Drive. However, this is being reviewed again. The concern is that the access location may be reversed/changed allowing access via Whitefish Village Drive.

We accept the previously allowed access via Prairie View Drive, but strongly oppose allowing access through Whitefish Village Drive. Key reasons opposing this access are: Additional construction and personal traffic causing safety issues for children, adults and Whitefish Hills Village properties Plus additional wear & tear on our roads for which repairs are handled by our HOA.

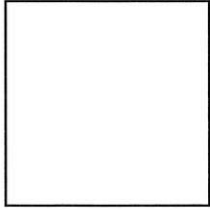
It is our hope that you maintain the access through Prairie View Drive AND decline access through Whitefish Village Drive.

Thanks you for considering our input.

Bill & Cindy Jordan

1749 Whitefish Village Drive

Sent from [Mail](#) for Windows 10



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Erin Appert

From: Mary Fisher
Sent: Monday, January 11, 2021 2:38 PM
To: Erin Appert
Subject: FW: Baker 80 Subdivision

From: Tom & Cindy Downing <mtview4us@verizon.net>
Sent: Monday, January 11, 2021 2:37 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Flathead County Planning Board,

As a homeowner in the Whitefish Hills Village development, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. The Flathead County Commissioners **previously approved** the original Baker 80 subdivision proposal stating the main access will be from KM Ranch and Prairie View Road, **not** from Whitefish Village Drive.
2. The Whitefish Village development was approved by the County as a subdivision with a private road system, owned and maintained by the owners. Allowing the Baker 80 subdivision to use Whitefish Village Drive will decrease our property values and the quality of the neighborhood.
3. Scott Baker is being deceptive. He went to the County Road and Bridge Department to obtain a "driveway" permit so he could build a road from Whitefish Village Drive to his proposed subdivision. He obviously was not truthful and intended to "go around" the Planning Board and County Commissioners.
4. Baker 80 construction and worker vehicles using Whitefish Village Drive will accelerate deterioration of our roads and increase our costs. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
5. The developer of Baker 80 is responsible for all expenses incurred with his project. There is no reason for him to expect this burden be borne by those in our development.
6. **Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.**

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road, as originally approved by the Flathead County Commissioners. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Tom Downing
Whitefish Hills Village Property Owner

Erin Appert

From: Mary Fisher
Sent: Monday, January 11, 2021 2:42 PM
To: Erin Appert
Subject: FW: Baker 80 Subdivision

From: Tom D <cvillepa.td@gmail.com>
Sent: Monday, January 11, 2021 2:41 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision



Flathead County Planning Board,

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Thank you,

Tom Downing

Whitefish Hills Village Property Owner

Erin Appert

From: Mary Fisher
Sent: Monday, January 11, 2021 3:00 PM
To: Erin Appert
Subject: FW: Baker 80 Subdivision



From: Tom & Cindy Downing <mtview4us@verizon.net>
Sent: Monday, January 11, 2021 2:59 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Flathead County Planning Board,

As a homeowner in the Whitefish Hills Village development, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. The Flathead County Commissioners **previously approved** the original Baker 80 subdivision proposal stating the main access will be from KM Ranch and Prairie View Road, **not** from Whitefish Village Drive.
2. Scott Baker is being deceptive. He went to the County Road and Bridge Department to obtain a "driveway" permit, so he could build a road from Whitefish Village Drive to his proposed subdivision of 16 lots, not a road to his house. He obviously has not truthful and intended this action as a "work around" of the Planning Board and County Commissioners.
3. As the developer of Baker 80, he is responsible for all expenses incurred with his project and that includes building the previously approved access from Prairie View Road to his subdivision.
4. The Whitefish Village development was approved by the County as a subdivision with a private road system, owned and maintained by the owners. Allowing the Baker 80 subdivision to use Whitefish Village Drive will decrease our property values and the quality of the neighborhood.
5. Baker 80 construction and worker vehicles using Whitefish Village Drive will accelerate deterioration of our roads and increase our costs. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
6. **Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.**

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road, as originally approved by the Flathead County Commissioners. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Cindy Downing
Whitefish Hills Village Property Owner

Mary Fisher

From: Cindy Downing <wfishmt.cd@gmail.com>
Sent: Monday, January 11, 2021 3:05 PM
To: Planning.Zoning
Subject: Baker 80 Subdivision



Flathead County Planning Board,

As a homeowner in the Whitefish Hills Village development, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. The Flathead County Commissioners **previously approved** the original Baker 80 subdivision proposal stating the main access will be from KM Ranch and Prairie View Road, **not** from Whitefish Village Drive.
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Thank you,

Cindy Downing

Whitefish Hills Village Property Owner

Erin Appert

From: Angela Phillips
Sent: Tuesday, January 12, 2021 1:33 PM
To: Erin Appert
Subject: FW: "BAKER 80"

-----Original Message-----

From: Samuel Scott <sscottmt54@gmail.com>
Sent: Tuesday, January 12, 2021 1:31 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: sherryjones2007@gmail.com; ahooks081@gmail.com
Subject: "BAKER 80"

My wife and I purchased a lot and built our home in Whitefish Hills Village. We paid a premium price for our lot as the Developer put in streets, underground utilities and water system all PRIVATE, per Flathead County rules and requirements.

We see the Baker 80 development trying to use our development to save money, and use an aesthetically pleasing Whitefish Village Drive to promote and sell their private property.

We ask the Flathead Planning Board for consideration in favor of the Whitefish Village Drive Property Owners.

Thank you,
Sam and Debra Scott
1234 Whitefish Village Drive
Whitefish, Mt.
sscottmt54@gmail.com
debbeaz@gmail.com
406-407-0908

Mary Fisher

From: Ellis, Pamela <pellis@nvhosp.org>
Sent: Tuesday, January 12, 2021 2:36 PM
To: Planning.Zoning
Subject: Baker 80 vs. Whitefish Hills Village Drive Homeowners

Planning committee,

- As a homeowner in Whitefish Hills Village, I object to the Baker 80 Subdivision trespassing and building a roadway connecting Baker 80 to our Whitefish Hills Drive without permission from any authority.
- Scott Baker did this in a very nasty presentation, illegally trespassing and **threatening Whitefish Village Hills homeowners!**
- Scott Baker is being allowed to bully and take privileges of constructing a roadway without a legal approval to do so.
- Someone needs to put a stop to his abusive and illegal actions.
- Please hear the overwhelming consensus from our Homeowners, we do not want the Baker 80 to impede on our subdivision's private road and make his problems ours.
- Baker 80 already has county approval to have Prairie View Road as the Baker 80 subdivision's main access.
- Please leave our peaceful private neighborhood subdivision alone!
- Please do not set a precedence going forward that benefits greedy developers, infringing on tax paying Homeowners.

Kind regards,

Pam Ellis

Lot 3, Whitefish Hills Village

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Please consider the environment before printing this e-mail

Mary Fisher

From: John & Nancy Gerbozy <gerbozy@hotmail.com>
Sent: Tuesday, January 12, 2021 3:03 PM
To: Planning.Zoning
Subject: Baker 80 - proposed subdivision

Planning Board Members;

I am writing to reaffirm my opposition to any use of Whitefish Village Drive for access to the proposed Baker 80 Subdivision.

My wife and I own Lot 31 in the Whitefish Hills Village development and reject the Baker 80 demand to use Whitefish Hills Village HOA privately owned road. I ask that the Planning Board uphold original zoning approval which required the parcels now known as the Baker 80 Subdivision to improve Prairie View Road and use KM Ranch Road as the development's access.

The development requirements were public record previous to this Developer's ownership of the Baker 80 property. The use of Whitefish Hills Village privately owned property should never have been considered for access for this development in the original application to the Planning Board.

Thank you.

John Gerbozy
1215 Whitefish Village Drive

Mary Fisher

From: Julie Oswald <julimoswald@gmail.com>
Sent: Tuesday, January 12, 2021 6:45 PM
To: Planning.Zoning
Subject: Baker 80
Attachments: Baker 80 proposal comments, 1-12-21.docx

Good evening,

Attached are my comments regarding the proposed Baker 80 subdivision for consideration at the January 13th Planning Board Meeting. I appreciate the opportunity to contribute to the process and ask that my comments be provided to all board members. I kept it short!

Thank you,
Julie Oswald
Whitefish Hills Village owner

RE: Baker 80 Proposed Subdivision

Dear Flathead County Planning Board Members and Planning & Zoning staff,

My name is Julie Oswald. My husband and I own lot #49 in Whitefish Hills Village which is located at the intersection of Whitefish Village Drive and the private Prairie View Rd spur. We purchased the lot in June 2020. Our desire to make this our home was strongly influenced by the private nature of each lot and the neighborhood as a whole. We are aware all private WHV roads are subject to "public easement". However, it was assumed that responsibility for road maintenance and taxes also conveyed ownership rights over how the roads are used.

We support updated findings #3 and #16 in the Planning and Zoning Office's Subdivision Report #FPP-20-09 calling for primary access to Baker 80 from Prairie View Road via KM Ranch Road, NOT from Whitefish Village Drive.

